

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.1120 OF 2006

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DATED: 26-12-2006

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Between:

The Primary Agricultural Co-operative
Society, Ramakrishnapur, Office at
Pamapur village, Kothakota Mandal
represented by its President
B. Rukmangada Reddy

.. Petitioner

and

The Joint Registrar/ The
District Co-operative Officer,
Mahabubnagar District.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

Writ Petition No.1120 of 2006

Order:

This writ petition is filed seeking a mandamus declaring the action of the respondent in issuing the impugned proceedings bearing RC.No.4296/2005-C dated 18-01-2006 withdrawing the earlier proceedings dated 19-12-2005 with regard to shifting of the office of the petitioner-society from rented building to its own building at Pamapur village of Kothakota Mandal, Mahabubnagar District.

It appears, the petitioner-society's area of operation is Ramakrishnapur, Pamapur, Apparala, Natelli and Mirasipally villages under Kothakota Mandal. The Government has sanctioned funds for construction of pucca and own building for the society at Pamapur village and a new building was constructed. The Managing Committee of the petitioner-society has passed a resolution for shifting of the office of the society to the own building at Pamapur and, in fact, permission was also accorded by the Joint Registrar-cum-District Co-operative Officer through his letter dated 19-12-2005 for the same and in pursuant to that, the society has already shifted its office to the new building at Pamapur. While that being so, the impugned order dated 18-01-2006 has been passed by the very same authority saying that the permission earlier accorded to shift the office is cancelled. Except this, no reasons were mentioned.

No counter is filed. However, on the basis of parawise remarks, the learned Government Pleader states that it was the General Body, which is supposed to pass resolution for shifting of the office from

headquarters to another village and also amend the byelaws as required under the law. Instead of that the resolution was passed by the Managing Committee and there was no amendment to the byelaws. Therefore, the permission earlier accorded was cancelled under the impugned proceedings dated 18-01-2006.

Heard both sides.

Now the office of the petitioner-society has already been shifted from Ramakrishnapur to Pamapur and it is functioning at Pamapur. Though no reasons were furnished in the impugned order, in the parawise remarks it is stated that in view of some representation made by some of the members of P.A.C.S. Ramakrishnapur, the permission earlier accorded is sought to be withdrawn. The said reason could have been very well furnished in the impugned order itself. But, having not furnished the said reason in the impugned order for the reasons best known to the respondent, he now comes forward with some other theory.

Be that as it may, since the office of the petitioner-society has already been shifted to its own building at Pamapur, which is constructed with the funds allotted by the Government, and it is functioning as well at Pamapur, the question of re-shifting the office of the petitioner-society or cancelling such shifting does not arise at this stage.

Therefore, the writ petition is allowed and the impugned notification is set aside subject to above observations. There shall be no order as to costs.

C.V. RAMULU, J

26th December 2006.

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